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EXAMINER

BACHNER, REBECCA M

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 05/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/503,960

Applicant(s)

RATTERMAN ET AL.

Examiner

Rebecca M Bachner

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 and 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

***Detailed Action***

This is a first office action on the merit. Claims 1-20 are pending as amended.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beyond.com in view of Benzos et al.

As per claim 1, Beyond.com discloses a computerized method for determining a community rating for a particular user of a plurality of users within an electronic community comprising: maintaining a characteristic value for each user of the plurality of users (see page 1, paragraphs 2 and 3, Beyond.com allows customers to rate the quality of goods or services they received from the software. One definition referred to in the specification of a characteristic value is the quality of goods and services, Beyond.com clearly uses its ratings to give a value to the computer software);

Beyond.com does not explicitly disclose maintaining a set of relationships between the plurality of users. However, Benzos discloses a relationship among the users (see column 1, lines 62-67, through column 2, lines 1-18, the users form a referral network). It would be obvious to one of ordinary skill in the art to maintain a set of

relationships between the plurality of users as Beyond.com allows past buyers and users of software products to communicate with potential buyers and users. It would therefore be obvious to allow one to maintain the relationship between the people as it would allow Beyond.com to track the effect of their buyers guide and determine how many customers are influenced as a result of the buying guide.

Beyond.com also does not explicitly disclose deriving a community rating for the particular user by performing a function on the characteristic values of the users of the plurality of users related to the particular user. However, Beyond.com users do rate the software that they buy (see page 1, paragraph, 3). Benzos teaches of a community with the referral links (see column 1, lines 62-67, through column 2, lines 1-18, the referral links join users together with one another thus forming a community). It would be obvious to one of ordinary skill in the art to have a community rating as Beyond.com already allows people to rate the software and these ratings could be combined to form a community rating. One of ordinary skill in the art would be motivated to have a community rating as it would allow the rating to be more reliable as it would not just be one person's opinion, but rather a community of users combined opinion.

As per claim 2, Beyond.com discloses the method of claim 1, wherein the electronic community is a community for buying and selling merchandise over a network (see page 1, paragraph 2, the electronic community is a community for buying and selling software over a network such as the Internet).

As per claim 3, Beyond.com discloses the method of claim 2, wherein the network comprises the Internet (see page 1, paragraph 2, the electronic community is a community for buying and selling software over the Internet).

As per claim 4, Beyond.com discloses the method of claim 1, wherein the characteristic value is based on feedback received from other users of the plurality of users in the electronic community (see page 1, paragraph 4, each customer can rate and share their recommendations about the software).

As per claim 5, Beyond.com discloses the method of claim 4, wherein the feedback is received from other users who have bought or sold goods or services with the particular user (see page 1, paragraph 4, each customer who bought the software can rate and share their recommendations about that good to prospective customers).

As per claim 6, Beyond.com discloses the method of claim 2. Beyond.com does not explicitly teach wherein the set of relationships includes sponsorship relationships between the particular user and any users of the plurality of users that were sponsored by the particular user. However, Benzos teaches of referral links which teach sponsorship relationships between a particular user and a plurality of other users (see column 1, lines 61-67, through column 2, lines 1-18). It would be obvious to one of ordinary skill in the art to include Beyond.com's ratings with Benzos' sponsorships relationships as it would allow Beyond.com to encourage new customers to bring in new

customers. It would be obvious for one of ordinary skill in the art to use sponsorships as it encourages new customers and any business is always looking to expand its customer base. In addition, by encouraging sponsorship relationships, the business can easily track these new customers.

As per claim 7, Beyond.com discloses the method of claim 6. However, Beyond.com does not disclose wherein the relationships of the plurality of users can be represented as one or more n-ary trees. However, Benzos teaches of referral links which creates relationships between a users (see column 1, lines 61-67, through column 2, lines 1-18). This relationship can be depicted by the n-ary trees as the referral users are branches of the node who represents the user that referred them. It would be obvious to one of ordinary skill in the art to include Beyond.com's ratings with Benzos' sponsorships relationships as it would allow Beyond.com to track the effect of the sponsorship relationship.

As per claim 8, Beyond.com discloses the method of claim 6. Beyond.com does not explicitly teach wherein information concerning the relationships between the plurality of users is stored in data structures for each user of the plurality of users. Benzos teaches structural relationships between users (see column 1, lines 61-67, through column 2, lines 1-18). Storing information concerning relationships in data structures is common practice to one of ordinary skill in the art. Therefore, it would be

obvious to one of ordinary skill in the art to store the structural data information as then Beyond.com could easily track the new customers relationship to their sponsors.

As per claim 9, Beyond.com discloses the method of claim 8. Beyond.com does not explicitly teach wherein the data structure for the particular user contains a pointer to at least one user of the plurality of users that was sponsored by the particular user. Benzos points to the user sponsored by another user buy using the referral links (see column 1, lines 62-67, through column 2, lines 1-18, the referral link links sponsored customers). It would be obvious to one of ordinary skill in the art to point to a referred customer in the data structures as it allows the business to keep track of what customers are providing new customers for the business. By tracking this information, the business is able to determine if the sponsorship relationship is a positive feature for the company.

As per claim 10, Beyond.com discloses the method of claim 9. Beyond.com does not explicitly teach wherein a recursive routine is used in determining a community rating for the particular user. However, Beyond.com users do rate the software that they buy (see page 1, paragraph, 3). Benzos teaches of a community with the referral links (see column 1, lines 62-67, through column 2, lines 1-18, the referral links join users together with one another thus forming a community). A recursive routine is a common and well-known technique in the art. Therefore, it would be obvious to one of ordinary skill in the art to have a recursive community rating as Beyond.com already

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allows people to rate the software and these ratings could be recursively combined to form a community rating for a user. One of ordinary skill in the art would be motivated to have a recursive routine to determine a community rating for a user as it would allow the rating to be more reliable as it would not just be one person's opinion, but rather a community of users combined opinion.

As per claim 11, Beyond.com discloses the method of claim 10. Beyond .com does not explicitly teach that the community rating and the characteristic values are numerical. However, using numeric number for ratings and values is a common and well-known technique in the art. Therefore, it would be obvious that the ratings for the software, as well as other services and goods, could be based on a numeric scale.

As per claim 12, Beyond.com discloses the method of claim 11. Beyond.com does not explicitly disclose wherein the community rating is an aggregate of the characteristic value for each user of the plurality of users that is a lineal descendant of the particular user and the characteristic value of the particular user. However, Beyond.com users do rate the software that they buy (see page 1, paragraph, 3) and Benzos teaches of a community with the referral links (see column 1, lines 62-67, through column 2, lines 1-18, the referral links join users together with one another thus forming a community). It is a common technique in the art to aggregate values. As the users are connected through sponsorship relationships, it would obvious to one of ordinary skill in the art to have a community rating that is an aggregate of the



characteristic values of the lineal descendants. One of ordinary skill in the art would be motivated to aggregate the values of the lineal descendants to determine a community rating for a user as it would allow the rating to be more reliable as it would not just be one person's opinion, but rather a community of users combined opinion. By aggregating the values of the sponsorships (the linear descendants), the sponsor can be rated on their sponsored new customers and the business can determine if the sponsor is bringing a positive value to the company.

As per claim 13, Beyond.com discloses a method comprising: maintaining a reputation value on each user of a plurality of users within an electronic trading community through which goods and services are bought and sold, the reputation value being derived for a particular user of the plurality of the users from feedback received concerning the particular user from other users of the plurality of the users (see page 1, paragraphs 2 and 3, Beyond.com allows customers to rate the quality of goods or services they received from the software. One definition referred to in the specification of a characteristic value is the quality of goods and services, Beyond.com clearly uses its ratings to give a value to the computer software. These ratings are given by users of an electronic trading community).

Beyond.com does not explicitly disclose maintaining a set of relationships between the plurality of users, the set of relationships including sponsorship relationships between the particular user and any users of the plurality of the users that were sponsored by the particular user, where the set of relationships for a particular

user can be represented as an n-ary tree. However, Benzos teaches of referral links which create relationships between a users (see column 1, lines 61-67, through column 2, lines 1-18). These relationships taught by Benzos are sponsorship relationships as they encourage current customers to bring in new customers. A tree formation to depict relationships between entities is a common and well-known technique used in the art. This relationship can be depicted by the n-ary trees as the referral users are branches of the node who represents the user that referred them. It would be obvious for one of ordinary skill in the art to use sponsorships as it encourages new customers and any business is always looking to expand its customer base. In addition, by encouraging sponsorship relationships, the business can easily track these new customers using the n-ary trees.

Beyond.com does not explicitly teach deriving a community rating for the particular user by aggregating the reputation value for each user of the plurality of users that is related to the particular user through a linear sponsorship succession as can be represented by the n-ary tree in which the particular user is the root of the n-ary tree. However, Beyond.com users do rate the software that they buy (see page 1, paragraph, 3) and Benzos teaches of a community with the referral links (see column 1, lines 62-67, through column 2, lines 1-18, the referral links join users together with one another thus forming a community). It is a common technique in the art to aggregate values. As the users are connected through sponsorship relationships in their n-ary trees, it would be obvious to one of ordinary skill in the art to have a community rating that is an aggregate of the characteristic values of the lineal descendants. One of ordinary

skill in the art would be motivated to aggregate the values of the lineal descendants to determine a community rating for a user as it would allow the rating to be more reliable as it would not just be one person's opinion, but rather a community of users combined opinion. By aggregating the values of the sponsorships (the linear descendants), the sponsor can be rated on their sponsored new customers and the business can determine if the sponsor is bringing a positive value to the company.

As per claim 14, Beyond.com discloses a computer-readable medium having computer executable instructions for performing a method in a computer system for determining a community rating for a particular user of a plurality of users within an electronic community comprising: maintaining a characteristic value for each user of the plurality of users (see page 1, paragraphs 2 and 3, Beyond.com allows customers to rate the quality of goods or services they received from the software. One definition referred to in the specification of a characteristic value is the quality of goods and services, Beyond.com clearly uses its ratings to give a value to the computer software);

Beyond.com does not explicitly disclose maintaining a set of relationships between the plurality of users. However, Benzos discloses a relationship among the users (see column 1, lines 62-67, through column 2, lines 1-18, the users form a referral network). It would be obvious to one of ordinary skill in the art to maintain a set of relationships between the plurality of users as Beyond.com allows past buyers and users of software products to communicate with potential buyers and users. It would therefore be obvious to allow one to maintain the relationship between the people as it

would allow Beyond.com to track the effect of their buyers guide and determine how many customers are influenced as a result of the buying guide.

Beyond.com also does not explicitly disclose deriving a community rating for the particular user by performing a function on the characteristic values of the users of the plurality of users related to the particular user. However, Beyond.com users do rate the software that they buy (see page 1, paragraph, 3). Benzos teaches of a community with the referral links (see column 1, lines 62-67, through column 2, lines 1-18, the referral links join users together with one another thus forming a community). It would be obvious to one of ordinary skill in the art to have a community rating as Beyond.com already allows people to rate the software and these ratings could be combined to form a community rating. One of ordinary skill in the art would be motivated to have a community rating as it would allow the rating to be more reliable as it would not just be one person's opinion, but rather a community of users combined opinion.

As per claim 15, Beyond.com discloses the computer-readable medium of claim 14, wherein the electronic community is a community for the buying and selling of merchandise using an electronic forum (see page 1, paragraph, the electronic community is a community for buying and selling software over a network. An electronic forum is a particular use of a network).

As per claim 16, Beyond.com discloses the computer-readable medium of claim 15. Beyond.com does not explicitly teach wherein the characteristic value is based on

feedback received from other users of the plurality of users in the electronic community. However, Beyond.com does teach a characteristic value for each user of the plurality of users (see page 1, paragraph 2, Beyond.com allows customers to rate the quality of goods or services they received from the software. One definition referred to in the specification of a characteristic value is the quality of goods and services, Beyond.com clearly uses its ratings to give a value to the computer software). Benzos teaches of an electronic community with the referral links (see column 1, lines 62-67, through column 2, lines 1-18, the referral links join users together with one another thus forming a community). Therefore, it would be obvious to one of ordinary skill in the art to have a characteristic value that is based on feedback received from other users of the plurality of users in the electronic community. Beyond.com already allows a characteristic value which is used when people rate the software and these ratings are based on the other users in the community. One of ordinary skill in the art would be motivated to have a characteristic value formed by the community as it would allow the rating to be more reliable as it would not just be one person's opinion, but rather a community of users combined opinion.

As per claim 17, Beyond.com discloses the computer-readable medium of claim 16. Beyond.com does not explicitly teach wherein the set of relationships includes sponsorship relationships. However, Benzos teaches of referral links which teach sponsorship relationships between a particular user and a plurality of other users (see column 1, lines 61-67, through column 2, lines 1-18). It would be obvious to one of

ordinary skill in the art to include Beyond.com's ratings with Benzos' sponsorships relationships as it would allow Beyond.com to encourage new customers to bring in new customers. It would also be obvious for one of ordinary skill in the art to use sponsorships as it encourages new customers and any business is always looking to expand its customer base. In addition, by encouraging sponsorship relationships, the business can easily track these new customers through their sponsors.

As per claim 18, Beyond.com discloses the computer-readable medium of claim 17. Beyond.com does not disclose wherein the community rating and the characteristic values are numerical, and the community rating is an aggregate of the characteristic value for each user of the plurality of users that is a lineal descendant of the particular user and the characteristic value of the particular user derived using a recursive routine. However, Beyond.com users do rate the software that they buy (see page 1, paragraph, 3) and Benzos teaches of a community with the referral links (see column 1, lines 62-67, through column 2, lines 1-18, the referral links join users together with one another thus forming a community). In addition, using numeric number for ratings and values, and aggregating these values using recursive routines are common and well-known techniques in the art. Therefore, it would be obvious that the ratings for the software, as well as other services and goods, could be based on a numeric scale. One of ordinary skill in the art would be motivated to aggregate the values of the lineal descendants using a recursive routine to determine a community rating for a user as it would allow the rating to be more reliable as it would not just be one person's opinion, but rather a

community of users combined opinion. By aggregating the values of the sponsorships (the linear descendants) using a recursive routine, the sponsor can be rated on their sponsored new customers and the business can determine if the sponsor is bringing a positive value to the company.

As per claim 19, Beyond.com discloses a computer system for determining a community rating for a particular user of a plurality of users within an electronic community (see page 1, paragraph, 3, Beyond.com users do rate the software that they buy).

Beyond.com does not explicitly teach a storage device having stored therein information and data relating to one or more sets of relationships between a plurality of users of an electronic community, one or more characteristic values for each user of the plurality of users, and one or more routines for determining one or more community ratings based on the characteristic values of each user of the plurality of users and the relationships between the plurality of users. However, Beyond.com does teach a rating system that uses characteristic values as it displays the quality of the goods or services. Beyond.com also continuously displays the data electronically to users (see page 1, paragraph, 3). In order for this rating system to be displayed continuously on the Internet, the data must be stored in a storage device. Although Beyond.com does not teach of relationships between the data, Benzos discloses a community with the referral links (see column 1, lines 62-67, through column 2, lines 1-18, the referral links join users together with one another thus forming a community. These referral links show a

relationship that exists between the data members). Therefore it would be obvious to use Beyond.com's rating system also with Benzo's relationship between members to store relationship data in an electronic community with routines for determining community ratings based on the characteristic values of the users' relationships. One would be motivated to store this information as it allows the rating to be more reliable as it would not just be one person's opinion, but rather a community of users combined opinion.

Beyond.com also does not explicitly disclose a processor coupled to the storage device for executing the one or more routines to derive the one or more community ratings. Although Beyond.com does not explicitly teach a processor, it would be obvious for Beyond.com to have a processor as otherwise the ratings could not be derived from the storage device. It would be obvious to one of ordinary skill in the art to execute the function determining the rating as Beyond.com already allows people to rate the software and these ratings could be combined to form a community rating. One of ordinary skill in the art would be motivated to have routine to derive a community rating as it would allow the rating to be more reliable as it would not just be one person's opinion, but rather a community of users combined opinion.

As per claim 20, Beyond.com discloses the computer system of claim 19. Beyond.com does not explicitly teach a system further comprising a network interface connected with a communications network over which data and information related to and including the one or more characteristic values and one or more community values



for each user of the plurality may be transmitted. However, all the information of Beyond.com are displayed and sent over the Internet (see page 1, paragraph 3, and page 2, paragraph 3). The characteristic values are the ratings of the users and they are displayed on the website. Any other information processed or derived about the goods and services would also obviously be displayed on the network interface as Beyond.com has encouraged customer feedback about the software products. Therefore, it would be obvious that Beyond.com comprises a network interface connected with a communications network as it is a user-friendly way to allow the customers to evaluate goods and services.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Linden et al. (P.N. 6,266,649) discusses a system using the Internet to provide goods and services recommendations.

Caruthers in "Home Builder has Customer Satisfaction as its Cornerstone" discusses a customer rating system and the importance of referrals.

"@ Home Network Names BUYDIRECT.COM as Its Online Software Retailer" discusses an online retailer that includes product ratings.

Harris in "Product Helps Dealers Reward Loyal Customers" discusses the importance of customer referrals.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rebecca Bachner whose telephone number is 703-305-1872. The examiner can normally be reached Monday - Friday from 8:00am to 4:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 703-305-9643.

The fax numbers for the organization where this application or proceeding is assigned are as follows:

703-746-7238	[After Final Communication]
703-746-7239	[Official Communications]
703-746-7240	[For status inquiries, draft communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

*RMB*  
RMB  
May 9, 2002

  
KYLE J. CHOI  
PRIMARY EXAMINER  
*Art Unit 3623*